



Londonderry Conservation Commission
Tuesday, February 12, 2008
PUBLIC HEARING
Minutes

Present: Deb Lievens, Gene Harrington, Mike Speltz, Paul Nickerson, George Herrmann and Mark Oswald

G. Harrington made a motion to open the scheduled public hearing regarding the purchase of map and lot 11-11, 169 Litchfield Road. M. Oswald seconded. The motion was approved, 6-0-0.

This 30 acre piece came to the attention of the Conservation Commission in the summer of 2007 when owners Mark and Kevin Cooper (a/k/a R2D4 LLC) were seeking the LCC's recommendation of a Dredge and Fill permit for wetland impacts regarding a bridge crossing for a proposed subdivision. During that discussion, the importance of protection for Watts Brook developed into talk of possible conservation to prevent the disturbance of natural resources a subdivision would bring.

When the LCC expressed interest in providing protection for the brook, M. Cooper stated that he would certainly be willing to discuss a sale so that he could simply recoup his investment on a piece of property he has spent years trying to develop. An appraisal which was shared equally by the owners and the LCC determined the current value to be \$1.3 million. After several discussions, the Coopers agreed to a considerable bargain sale of \$1,015,000. D. Lievens gave an overview of the signed Purchase and Sale Agreement, explaining the following terms*:

1. A deposit of \$1,000 will be paid to the Coopers and the balance will be due at the closing which is potentially set for March 31, 2008.
2. Taxes and utilities shall be apportioned at of the aforementioned closing date.
3. There shall be no brokerage commission, finder's fee or similar charge involved.
4. The following contingencies (among others) shall apply;
 - A. The agreement is subject to first a majority vote on the part of the LCC, followed by approval by the Town Council
 - B. Completion of a title search
 - C. Removal of any and all trash on the property
 - D. Excavation and removal of the dirt pile, after which the area shall be loamed and seeded by June 1, 2008 to the satisfaction of the LCC. If the dirt has not been addressed by the time of closing, the Town will require \$15,000 held in escrow to ensure completion of the work.
 - E. Prior to closing, the LCC has the right to enter the premise for inspection/testing purposes
 - F. No alteration of the premises shall take place during the term of the Purchase and Sale Agreement (e.g. harvesting of timber, construction, excavation other than that related to the dirt pile)

Aside from being one of the properties identified in the 2006 Open Space Plan, the acquisition of this property will help develop a significant corridor of conservation along the western side of Londonderry.



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By making any development on the southerly abutting lot 11-2 very unlikely, the purchase of 11-11 will effectively solidify the connection to the Musquash Conservation Area.

M. Speltz added that the land is comprised of Group I forest soils which are most suitable for the growth of forest products. More specifically, approximately 70% of the land is suitable for growing white pine which is a species mainly confined to southern New Hampshire. In addition, the State Wildlife Action Plan identifies areas included along that stretch of Watts Brook that are rated as the best of that particular habitat type in this bio-region of the State.

D. Lievens noted that the protection of Watts Brook will be particularly beneficial because of its width at that point and the steep ravines in the area. Using a map, M. Speltz demonstrated how the result would mean the protection of nearly all of Watts Brook from its headwater in the Musquash Conservation Area all the way to its flow into the Merrimack River. Also significant with regard to natural resource features, this lot is within half a mile of an aquifer capable of transmitting over 4,000 square feet of water per day. This same aquifer is utilized by Pennichuck Water Works.

D. Lievens asked that the minutes reflect that no public input was taken as no members of the public attended this public hearing which was properly advertised according to RSA 91-A:2.

As there were no further comments or questions, **G. Harrington made a motion to close the public hearing at 8:10 PM. M. Oswald seconded. The motion was approved, 6-0-0.**

G. Harrington made a motion that the LCC recommend to the Town Council that the Town proceed with the purchase and sale agreement regarding map and lot 11-11. M. Speltz seconded. The motion was approved 6-0-0.

Respectfully submitted,

Jaye A. Trottier
Secretary

(*See the Purchase and Sale Agreement document for all terms and specifics)